

I hereby certify that this correspondence is being filed by depositing it with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date indicated below.

Date:

May 22, 2002

Signed:

Peter K. Trzyna (Reg. No. 32,601)

PATENT

Paper No. 8

File: Proflowers-P1-01.

#8
9-17-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : David McCarter, Jared Schutz
Serial No. : 09/776,956
Filed : February 5, 2001
For : GENERATING A COURIER SHIPPING LABEL OR THE
LIKE, INCLUDING AN ORNAMENTAL GRAPHIC
DESIGN, AT A NON-COURIER PRINTER
Group Art Unit : 2624
Examiner :



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SEP 17 2002

Technology Center 2600

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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MAY 31 2002

OFFICE OF PETITIONS

**RESPONSE TO DECISION
GRANTING STATUS UNDER 37 C.F.R. §1.47(a)**

SIR:


Footnote three of the Decision Granting Status Under 37 C.F.R. §1.47(a) (a copy of the Decision is enclosed) states that "petitioner has failed to submit a substitute specification as required by the Notice." A substitute specification (pages 1-115 for pages 1-99) was filed with the U.S. Patent and Trademark Office on August 10, 2001, as shown by the enclosed copy of the PTO-stamped postcard. A copy of the previously filed substitute specification pages 1-115 is enclosed.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

Date: May 22, 2002


Peter K. Trzyna
(Reg. No. 32,601)

P.O. Box 7131
Chicago, IL 60680-7131
(312) 240-0824



The U.S. Patent and Trademark Office is requested to place its stamp hereon and place this in the mail to acknowledge its receipt of the following in:

Serial/ Patent Trademark No.: 09/716,956 Atty. Ref. No.: Proflowers-PI-C
Filing Date: 2/5/01 Date Mailed: 8/20/01 Express Mail Y / N
Inventor(s) / Applicant: Jared Schutz, David McCARTER
Title / Trademark: Generating a copy of a label on the like.
Y / N Orig. Patent Applic. (Utility / Plant / Design) of Total Pages with at least 1 Claim &
Abstract Plus Pages of Appendix & / 0 Sheets of Drawings Figs. 1 to
X Transmittal Letter Anton when Inventor Refuses to Sign Under 1.47(c)

Response to Notice to File Missing Parts, Copy of
Notice to File Missing Parts, Submission of formal
Drawings, Formal Drawings, Sheets 1-44, Figs 1-43,
Petition for Extension of Time, Substitute
Specification pgs 1-15 for pgs 1-77, Assignment of Invention
signed by Jared Schutz, Pro form 1595 for Schutz, Declaration
and Power of Attorney signed by Schutz, Assignment Agreement
by David McCarter, Pro 1595 cover sheet, Dec of William Strauss Rec. of
Jared Schutz - 4 5 Enclosures

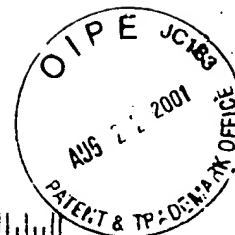
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Technology Center 2600



PETER K. TRZYNA ESQ.
PO BOX 7131
CHICAGO IL 60680



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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 7

Peter K. Trzyna
P.O. Box 7131
Chicago IL 60680

COPY MAILED

MAR 27 2002

OFFICE OF PETITIONS

In re Application of
Jared Schutz and David McCarter
Application No. 09/776,956
Filed: February 5, 2001
Attorney Docket No. Proflowers -P1-01
Title: GENERATING A COURIER
SHIPPING LABEL OR THE LIKE,
INCLUDING AN ORNAMENTAL
GRAPHIC DESIGN, AT A NON-COURIER
PRINTER

**DECISION GRANTING STATUS
UNDER 37 C.F.R. §1.47(a)**

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Technology Center 2600

This is in response to the petition under 37 CFR §1.47(a)¹, filed August 22, 2001.

The petition under 37 C.F.R. §1.47(a) is **GRANTED**.

The above-identified application was filed on February 5, 2001. On March 19, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 CFR §1.63 and the surcharge for its late filing. Also required was a substitute specification and substitute drawings. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition. Accompanying the petition was a three-month extension of time², a declaration executed by one of the two inventors, as well as a statement by

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that diligent efforts have been made to locate the non-signing inventor;
- (5) a declaration which complies with 37 CFR 1.63.

² Petitioner has requested a three-month extension of time, when a four-month extension is required. The difference has been charged to petitioner's Deposit Account, along with the petition fee, as authorized in the petition.

the petitioner, a declaration from the signing inventor, a declaration executed by William Strauss, the President and CEO of the assignee corporation, copies of the certified mail receipt and shipping information, along with the associated letter which was sent to the non-signing inventor, a copy of the employment and assignment agreement between the assignee and the non-signing inventor³.

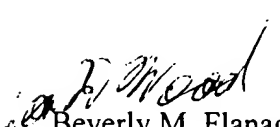
The declaration of William Strauss shows that a copy of the patent application, declaration, and assignment document was sent to the last known address of the non-signing inventor on two separate occasions. Both times the package was not claimed, and was once returned to the sender. This action can reasonably be construed as a refusal on the part of Mr. McCarter to sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

³ It is noted that the petitioner has failed to submit a substitute specification as required by the Notice. Petitioner is reminded that failure to submit all required items identified in the Notice before the maximum extendable period shall result in the abandonment of this application.



DPE

hereby certify that this correspondence is being filed by depositing it with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 on the date indicated below.

PATENT

Paper No.

File: Proflowers-P1-01

Date:

May 27, 2002

Signed:

Peter K. Trzyna
Peter K. Trzyna (Reg. No. 32,601)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventors : David McCarter, Jared Schutz

SEP 17 2002

Serial No. : 09/776,956

Technology Center 2600

Filed : February 5, 2001

For : GENERATING A COURIER SHIPPING LABEL OR THE
LIKE, INCLUDING AN ORNAMENTAL GRAPHIC
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Group Art Unit : 2624

Examiner :

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

TRANSMITTAL LETTER

S I R :

Transmitted herewith for filing in the above-identified patent application are is the following:

1. Response to Decision Granting Status Under 37 C.F.R. §1.47(a);
2. A copy of the Decision Granting Status Under 37 C.F.R. §1.47(a);
3. A copy of the Substitute Specification pages 1-115 for pages 1-99

previously filed; and

4. A copy of the PTO-stamped postcard showing receipt of Substitute

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Specification pages 1-115 for pages 1-99 .

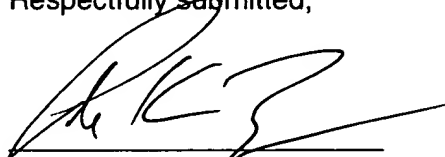
The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

Date:

May 22, 2002

A handwritten signature in black ink, appearing to read 'P. K. Trzyna', written over a horizontal line.

Peter K. Trzyna
(Reg. No. 32,601)

P.O. Box 7131
Chicago, IL 60680-7131

(312) 240-0824